

Policy Number: 601

Date Issued: 01/14/2016

Section: Safety and Security

Revised Date:

Title: Public Records Policy

Review Date: Annually

Effective Date: 01/14/2016

Attachments: None

Responsible University Officer: University Counsel

Responsible Office: Legal Affairs

Applies to: Capital University Police Department

I. Reason for Policy

The Capital University Police Department (CUPD) is open and responsive to information requests from the public and the news media. The purpose of this policy is to ensure compliance with the Ohio Public Records Act. The University establishes the following policy for all public records requests received after May 21, 2015. This policy will be implemented in accordance with R.C. 149.43, Ohio's Public Records Act.

II. Policy

It is the policy of Capital University Police Department to release information on matters of public interest in a manner that does not interfere with criminal investigations or Department operations and consistent with R.C. 149.43, the Ohio Public Records Act.

III. Definitions

A "public record" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record (such as email), created or received by, or coming under the jurisdiction of the Capital University Police department, that serves to document the:

- (a) Organization,
- (b) Functions,
- (c) Policies,
- (d) Decisions,
- (e) Procedures,
- (f) Operations, or
- (g) Other activities of the office of CUPD

A “Public Records Request” is any transmitted request to inspect a public record, or to have a public record copied in any medium and mailed, electronically transmitted, or otherwise provided to a Requester.

The public records request must describe records with sufficient clarity to allow the university to identify, retrieve and review the records. If a request is unclear it is NOT to be initially rejected. The Requester should be asked to revise the request in a manner that will allow for the proper identification of the desired record(s).

IV. Submission of Request for Public Records

This policy applies to all requests for public records made to CUPD, regardless of Requester. Requests should be provided in writing in order to provide clarity as to the scope of the request and to create appropriate documentation for monitoring time and cost and billing as needed; however, under the Ohio law this is not mandatory.

The procedures for processing public records requests are as follows:

- (a) In order to expedite the submission of requests to the appropriate person, specific contact information based on main areas of interest is provided below.

Requests seeking **readily available public University police records** should be submitted to the Department of Public Safety through the following contact information:

Email: publicsafety@capital.edu

Facsimile: 614-236-7111

Address: Capital University Police Department
Department of Public Safety
661 College Ave.
Bexley, Ohio 43209

Requests from the media should be directed to the University’s Media Relations Director through the following contact information:

Email: njohnson@capital.edu

Address: Capital University
Media Relations and Communications
1 College and Main
Columbus, Ohio 43209

As a general rule, the Capital University Police Department will process public records requests on a first-in, first-out basis. Exceptions to this practice may be made on occasion when deemed essential by the University. Ohio law does not require the University to respond to a request for a public record by creating or compiling a record that does not exist.

- (b) With the minor exceptions noted immediately below in this paragraph, each request must be forwarded to the University Counsel for further processing.

The exceptions mentioned in the previous sentence pertain to routine requests for those types of public records that normally do not require legal judgments regarding redactions or other matters.

- (c) The University Counsel will evaluate the request, ascertain if any statutory or other federal or state law exemptions apply and, if so, whether the university should assert those exceptions or waive them. Waivers dealing with material matters, if any, will be discussed with the concerned Vice President, the President and/or the Board of Trustees, as appropriate. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1))
- (d) Responsive records will be requested by the University Counsel from the CUPD if it has custody or control over the records. If necessary, redactions will be made by the University Counsel. On occasion the University Counsel may ask for two sets of documents so that an unredacted set of documents may be retained in its files.
- (e) The final transmittal to the Requester will identify any redactions or refusals to supply the requested records and cite a legal basis for the refusal and/or redaction. The transmittal will also notify the requesting party of a university contact person to respond to any additional questions on the matter.
- (f) With respect to a request to review records only, all public records responsive to the request shall be promptly prepared and made available for inspection to the Requester at all reasonable times during regular business hours (8am-5pm). To avoid unnecessary delays, appointments will be made, when practicable for the inspection of records.

V. Copying Fee

Hard Copies: The University may charge for the actual cost of copying. Generally, the University will not charge for the copying cost unless the number of pages exceeds twenty five (25). Thereafter, the charge will be ten (10) cents per page for every page over 25 copied in black and white and capable of being reproduced in-house. If a request requires special handling (e.g., color copies, out-sourcing of copying function, etc.), the actual cost of such handling will be calculated on a case-by-case basis.

Disk: If the Requester asks for documents in some other medium (e.g., disk or other storage device), the University may charge the actual cost of the media provided.

Email: If the Requester requests transmission of the documents via email or other electronic means, the University will not charge for the provision of a .pdf document or a response contained in an email that is electronically provided to the Requester.

Mail: The University may charge the Requester for the actual costs of postage and the other supplies used in the mailing or delivery of the documents to the Requester.

VI. Limitations on the Number of Requests

The University may limit the number of records requested by a person that it will transmit by United States mail to ten per month, unless the person certifies to the University in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this paragraph, “commercial” is narrowly construed and does not include reporting or gathering of news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of the CUPD.

VII. Policy Posting

This policy will be posted in the CUPD office and on the Public Safety section of the University’s website. It will also be included in employee manuals for the Capital University Police Department.

VIII. Responsibilities

- a. The Capital University Department of Public Safety, Division of Police personnel shall maintain public records.
- b. The University Counsel shall review records requests
- c. The Director of Media Relation and Communication shall process records requests made by the media.

IX. Resources

- a. O.R.C. 149.43, Ohio’s Public Records Act.
- b. Higher Education Opportunity Act (HEOA)

X. Contacts

- a. Director of Media Relation and Communication
- b. Chief of Police

XI. History

Approved by President’s Cabinet on January 13, 2016